

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**PHILLIP BURGESS,  
also known as John W. Stinson,**

**Petitioner,**

**v.**

**9:02-CV-390  
(FJS/RFT)**

**UNITED STATES PAROLE COMMISSION,**

**Respondent.**

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**APPEARANCES**

**PHILLIP BURGESS**  
Kansas City, Missouri 64129  
Petitioner *pro se*

**OF COUNSEL**

**OFFICE OF THE UNITED  
STATES ATTORNEY**  
100 South Clinton Street  
P.O. Box 7198  
Syracuse, New York 13261

**CHARLES E. ROBERTS, AUSA**

**SCULLIN, Chief Judge**

**ORDER**

Currently before the Court for its review is Petitioner Phillip Burgess' motion to dismiss this action. *See* Dkt. No. 19. In his motion, Petitioner requests that this action "be immediately withdrawn." *See id.* Respondent has advised the Court that it has no objection to Petitioner's motion. *See* Dkt. No. 21.

Accordingly, the Court hereby

**ORDERS** that Petitioner's motion is **GRANTED**; and the Court further

**ORDERS** that this action is **DISMISSED WITHOUT PREJUDICE**; and the Court

further

**ORDERS** that the Clerk of the Court serve a copy of this Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: August 9, 2005  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Chief United States District Court Judge